

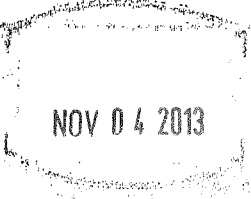


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590



REPLY TO THE ATTENTION OF:

Mary Douglas
Kalamazoo District Supervisor
Michigan Department of Environmental Quality
7953 Adobe Road
Kalamazoo, Michigan 49009

Dear Ms. Douglas:

The U.S. Environmental Protection Agency has reviewed the proposed initial Renewable Operating Permit (ROP) for The Andersons, Inc., State Registration Number B8570, located in Albion, Michigan. To ensure that the source meets Federal Clean Air Act requirements, that the permit will provide necessary information so that the basis of the permit decision is transparent and readily accessible to the public, and that the permit record provides adequate support for the decision, EPA has the following comments.

1. FG-FACILITY includes facility wide emission limits for Nitrogen Oxides (NO_x), Volatile Organic Compounds (VOC), Carbon Monoxide (CO), individual Hazardous Air Pollutants (HAP), aggregate HAPs, Carbon Dioxide Equivalent (CO₂e), Particulate Matter (PM), PM-10, and PM-2.5 pursuant to Rule 205(1) and Rule 205(3). It is not clear whether any of these limits are intended to limit the source's Potential to Emit (PTE), or whether the conditions are based on the source's maximum possible emissions and/or plant production capability. These emission limits and their associated general monitoring and recordkeeping requirements in Section VI. do not meet the practical enforceability requirements necessary to establish limits on the source's PTE. As stated in Rule 205, as well as Federal guidance such as the June 13, 1989 EPA memo entitled, "Guidance on Limiting Potential to Emit in New Source Permitting," practically enforceable PTE limits typically include production and/or operation limits. Emission limits alone are generally not practically enforceable for the purpose of limiting PTE unless there is a continuous emissions monitoring system, or in certain cases where emissions can be accurately determined, for example, via mass balance calculations. Michigan Department of Environmental Quality (MDEQ) should address in the Staff Report whether these emission limits reflect maximum emissions and production capacity, and also whether any are intended to limit PTE. For PTE limits, MDEQ should also address how the permit conditions ensure that the limits are enforceable as a practical matter. We understand that any practical enforceability considerations may also require revisions to the underlying Permit to Install.

2. FG-FACILITY includes limits for individual and aggregate HAPs. Footnote * states that these limits exclude fugitive emissions. The definition of "major source" for HAPs in Section 112(a) of the Clean Air Act and 40 CFR 70.2 does not exclude fugitive HAPs in determining major source status. Exclusions of certain fugitive emissions in the 40 CFR 52.21(b)(1)(i) definition of "major stationary source" apply to regulated New Source Review pollutants, not HAPs. We acknowledge that correcting the individual and aggregate HAPs emission limits to include fugitives may also require revisions to the underlying Permit to Install.

3. Certain monitoring and recordkeeping requirements in the permit are generally written and may not be sufficient to assure compliance with the associated hourly, monthly, and twelve month rolling average emission limits, as required by 40 CFR 70.6(a)(3) and 70.6(c)(1). For the emission limits listed below, the permit does not identify specific monitoring and recordkeeping requirements, or how to calculate compliance with certain emissions limits. For example, EU-CYCLONE has a 14 TPY, 12-month rolling average VOC limit. The associated monitoring and recordkeeping include one performance test during the permit term (the test method is not specified), a general requirement to keep production records, and a general requirement to complete calculations. All of the emission limits listed below have similar general monitoring and recordkeeping requirements. It is not clear how these non-specific conditions assure compliance with the associated emissions limits. MDEQ should include additional periodic and sufficiency monitoring (such as specific recordkeeping and calculation methods) in the permit as necessary to assure compliance with the emission limits. In particular, please address the following: EU-CYCLONE (VOC), FGFERM (VOC recordkeeping and emission calculation requirements), FG-PURGE (VOC), FG-OXID (PM10, VOC, NOx pound per hour, CO), FG-FACILITY (NOx, VOC, CO, individual HAPs, aggregate HAPs, CO2e, PM, PM-10, PM-2.5).

4. EU-DIESELPUMP includes high level citations to the Stationary Compression Ignition Internal Combustion Engines New Source Performance Standards, 40 CFR Part 60 Subpart IIII as well as the Reciprocating Internal Combustion Engines Maximum Achievable Control Technology, 40 CFR Part 63 Subpart ZZZZ. Please include the detailed applicable requirements in the ROP, in accordance with 40 CFR 70.6. 40 CFR 70.6 requires that a permit include emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance. EPA's March 5, 1996 White Paper Number 2 for Improved Implementation of the Part 70 operating permits program provides clarifying guidance regarding the incorporation of applicable regulations into a Title V permit.

We appreciate the opportunity to provide comments on this proposed permit, and thank you for providing us additional time to develop these comments due to the Federal furlough. If you have any questions, please contact me or Beth Valenziano, of my staff, at (312) 886-2703.

Sincerely,



for

Genevieve Damico
Chief
Air Permits Section